



[TRANSLATION]

Citation: *JG v Canada Employment Insurance Commission*, 2023 SST 438

**Social Security Tribunal of Canada
General Division – Employment Insurance Section**

Decision

Appellant: J. G.
Respondent: Canada Employment Insurance Commission

Decision under appeal: Canada Employment Insurance Commission
reconsideration decision (522636) dated
September 13, 2022 (issued by Service Canada)

Tribunal member: Manon Sauvé
Type of hearing: Teleconference
Hearing date: January 31, 2023
Hearing participant: Appellant
Decision date: February 10, 2023
File number: GE-22-3400

Decision

[1] The appeal is dismissed. The Claimant filed her notice of appeal more than one year after the reconsideration decision by the Canada Employment Insurance Commission (Commission).

Overview

[2] On January 15, 2018, the Commission made a reconsideration decision about the Claimant's voluntarily leaving her employer. It upheld its November 20, 2017, decision disqualifying the Claimant from receiving benefits because of voluntary leaving without just cause.

[3] On April 16, 2019, at the Claimant's request, the Commission sent the January 15, 2018, notice of decision concerning the reconsideration request and the November 20, 2017, notices of decision.

[4] On July 4, 2022, the Claimant again asked the Commission to reconsider the January 15, 2018, reconsideration decision. The Commission refused to reconsider this decision, since a decision had already been made and there were no new facts.

[5] On September 23, 2022, the Claimant filed a notice of appeal to the Tribunal. In her notice, she explained the circumstances for the delay of more than two years.

Issue

[6] Could the Claimant file a notice of appeal more than one year after the Commission's reconsideration decision?

Analysis

[7] The Act¹ says that a claimant has to file a notice of appeal within 30 days after the Commission's reconsideration decision.²

¹ *Department of Employment and Social Development Act* (DESD Act)

² Section 52(1)(a) of the DESD Act

[8] The Tribunal can give more time to appeal, unless more than one year has passed.³

[9] In this case, I find that the Claimant appealed more than one year after the Commission's reconsideration decision. The Commission made its decision on January 15, 2018, and the Claimant filed her notice of appeal four years later, on September 23, 2022.

[10] I note that she received the Commission's reconsideration decision again in April 2019 but didn't file a notice of appeal at that time.

[11] The Claimant explained the problems she had experienced in recent years. I understand that she went through difficult times.

[12] However, I have no choice but to apply the Act and deny the Claimant more time to appeal.

Conclusion

[13] The Claimant filed her notice of appeal more than one year after the Commission's reconsideration decision. She can't get more time to appeal after more than one year.

[14] The appeal is dismissed.

Manon Sauvé
Member, General Division – Employment Insurance Section

³ Section [sic]